

### **REMARKS**

At the time of the final Office Action dated May 7, 2007 (the Action), Claims 1, 4-11 and 13-14 were pending. Claims 1, 4-11 and 13-14 were rejected in the Action under either Section 102(b) or Section 103(a) based on various references. These rejections are addressed below and reconsideration is respectfully requested.

#### **I. The Rejections of Independent Claims 1 and 13**

The Action rejects Claims 1, 4, 6-11, 13 and 14 under Section 103(a) as obvious over U.S. Patent No. 3,952,455 to McAlarney (McAlarney). The Action further rejects Claims 1, 4 and 6-11 under Section 103(a) as obvious over U.S. Patent No. 2,185,161 to Tinnerman (Tinnerman) in view of U.S. Patent No. 1,998,791 to Schanz (Schanz). The Action rejects Claim 13 under 35 U.S.C. 103(a) as being unpatentable over Tinnerman in view of Schanz and in further view of Wilson.

Claim 1 recites an article of furniture, including:

first and second confronting furniture components, wherein one of the first and second furniture components comprises a frame and the other of the first and second furniture components comprises a movable member connected with the frame and movable from an open position to a closed position; and

a device for protecting the first and second confronting furniture components, the device comprising:

a base member having opposite first and second faces, the first face adapted to contact the first furniture component, the base member having a cushioning projection extending outwardly from the second face of the base member and covering and defining a void within the base member, the projection adapted to contact the second furniture component as it confronts the first furniture component; and

a clip connected to the base member, the clip having a first member attached to one end portion of the base member and a second member attached to the first member, the base member, first member and second member defining a cavity within which one of the first or second furniture components is captured to affix the device thereto, wherein the device is formed as a unitary member and is entirely formed of a polymeric material.

Claim 13 recites an article of furniture, including

first and second confronting furniture components; and

a device for protecting the first and second confronting furniture components, the device comprising:

a base member having opposite first and second faces, the first face adapted to contact the first furniture component, the base member having a cushioning projection extending outwardly from the second face of the base member and covering and defining a void within the base member, the projection adapted to contact the second furniture component as it confronts the first furniture component, the base member having a planar portion extending away from the cushioning projection on opposite sides thereof; and

a clip connected to the base member, the clip having a first member attached to one end portion of the base member and a second member attached to the first member, the base member, first member and second member defining a cavity within which one of the first or second furniture components is captured to affix the device thereto, wherein the device is entirely formed of a single material.

The rejections of independent Claims 1 and 13 based on McAlarney and of Claims 1 and 13 based on Tinnerman in view of Schanz and Wilson are addressed below.

#### A. McAlarney

With respect to McAlarney, the Action takes the position that the strip 16 is part of the door 2 (*see Figures 1 and 2 of McAlarney below*). The Action identifies elements 21, 23 and 25 as equivalent to the clip (*see the Action, page 3*). In response to the arguments in Applicants' Paper dated October 25, 2006, the Action states that McAlarney "clearly discloses a frame (1) having a movable member (2) connected to the frame." *See the Action, page 10.*

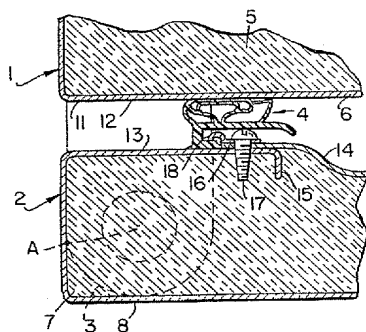


FIG. 1

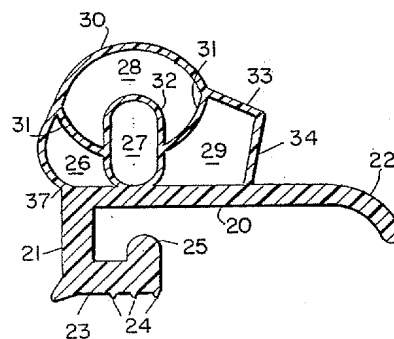


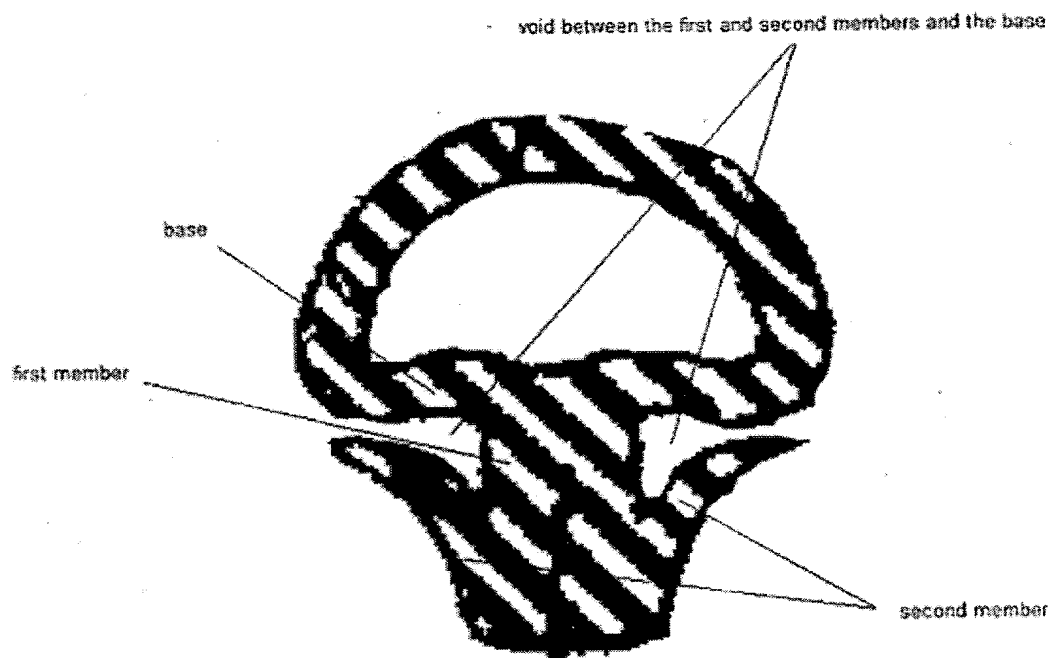
FIG. 2

However, Claims 1 and 13 recite that the first and second members of the clip define "a cavity within which one of the first or second furniture components is captured to affix the device thereto." In contrast, the elements **21, 23** and **25** (which the Action identifies as a clip) do not capture a furniture component as recited in Claim 1. Therefore, McAlarney does not teach or suggest all of the recitations of Claims 1 and 13 as required by § 103.

**B. Tinnerman, Schanz and Wilson**

The Action concedes that Tinnerman does not disclose a clip connected to the base member. The Action takes the position that the projection **15** of Schanz is equivalent to the claimed clip member.

Applicants appreciate the Examiner's inclusion of Attachment #2 (reproduced below), which clarifies the position taken in the Action. In response to Applicants' Paper filed October 25, 2006, the Action states that Schanz discloses a first member connected to the base member and a second member connected to the first member with reference to Attachment #2. However, Claims 1 and 13 recite that the first member is "attached to one end portion of the base member."



Attachment #2

The "first member" identified in Attachment #2 by the Examiner's notations is clearly not attached to one end portion of the base member as recited in Claims 1 and 13. This feature is also not disclosed by Tinnerman (which the Action concedes does not disclose a clip) or Wilson (which the Action cites as allegedly teaching a planar portion extending away from the cushioning projection). Therefore, Applicants submit that these features are not disclosed or suggested by Tinnerman or Schanz and/or Wilson as required by § 103.

### **C. Conclusion**

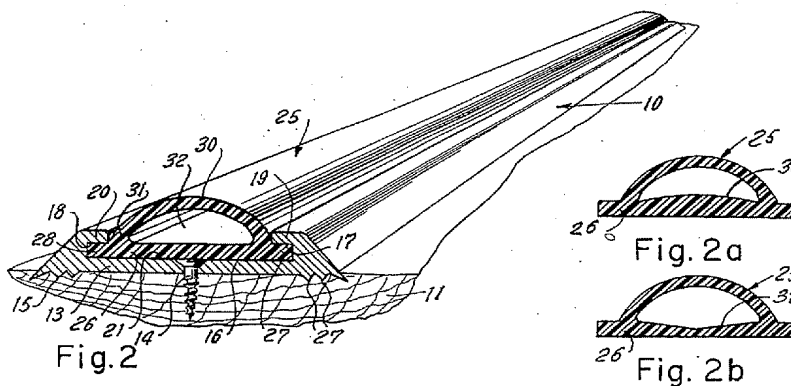
In view of the foregoing, Applicant submits that the rejections of Claims 1 and 13 and claims dependent therefrom under Section 103(a) based on McAlarney or based on Tinnerman in view of Schanz and/or Wilson cannot stand because none of these references disclose at least one element of Claim 1. Applicants respectfully request that the rejection of Claims 1, 4, 6-11 and 13-14 under Section 103(a) be withdrawn.

## **II. Rejections of Claim 5**

The Action rejects Claim 5 under Section 102(b) as being anticipated by U.S. Patent No. 2,858,583 to McEvoy ("McEvoy") and under Section 103(a) as being unpatentable over McAlarney in view of McEvoy.

Claim 5 recites "a planar portion opposite the convex portion [of the cushioning projection], and the planar portion of the projection has a thickness that is less than the thickness of the base member." The Action concedes that McAlarney fails to disclose that the planar portion of the base member across the void has a thickness that is less than the thickness of the base member. The Action takes the position the McEvoy teaches a planar portion that has either the same thickness (**Figure 2**), more thickness (**Figure 2a**) or less thickness (**Figure 2b**). *See* the Action, page 7.

In response to Applicants' arguments in the Paper of October 25, 2006, the Action states that "the claim language does not require that [the base member planar portion] is planar from one end to the other so as to maintain the same thickness." *See* the Action, page 10. The Action identifies the weatherstrip seal member **25** as equivalent to the cushioning projection of Claim 5.



Applicants respectfully disagree and submit that no portion of the weatherstrip seal in McEvoy that is opposite the convex seal member **25** is planar (*i.e.*, flat) and has a thickness that is less than the thickness of the base member. As shown in **Figure 2b**, the portion of the weatherstrip seal **32** opposite the convex seal member **25** has a slope toward the center portion of the seal **32** and as such, is not planar.

Accordingly, Applicants submit that neither McAlarney nor McEvoy teach or render obvious all of the recitations of Claim 5, and Applicants respectfully request that the rejections of Claim 5 under 35 U.S.C. §§ 102 and 103 be withdrawn.

### **III. Conclusion**

Inasmuch as all of the outstanding issues raised in the Action have been addressed, Applicants respectfully submit that the application is in condition for allowance, and requests that it be passed to allowance and issue.

Respectfully submitted,

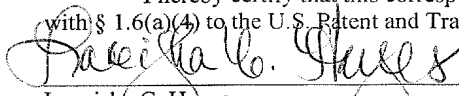
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Serial No.: 10/820,186  
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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office August 6, 2007.

  
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Lanceisha C. Hayes  
Date of Signature: August 6, 2007